



APPLICATION FOR PLANNING PERMISSION 13/00105/DPP, FOR EXTRACTION OF COAL AND FIRECLAY BY SURFACE MINING METHODS AND RESTORATION OF SITE AT CAULDHALL MOOR, PENICUIK – PROCEDURAL ARRANGEMENTS

Report by Head of Planning and Development

1 PURPOSE OF THE REPORT

- 1.1 At its meeting on 27 August 2013 the Committee were notified of the intention to hold a pre-determination hearing and undertake a visit to the application site at Cauldhall Moor, Penicuik. The purpose of this report is to update the Committee with regard to the arrangements for the pre-determination hearing and site visit.

2 BACKGROUND

- 2.1 On 07 February 2013 Scottish Coal Limited submitted an application for an open cast coal extraction operation, to extract 10 million tonnes of coal, at Cauldhall Moor, Penicuik (a location plan is appended to this report). This application is accompanied by an Environmental Statement.
- 2.2 On 09 August 2013, KPMG, acting as Liquidators for the Scottish Coal Company Limited, wrote to advise that Hargreaves Surface Mining Limited had acquired the interests of Scottish Coal at Cauldhall Moor and it was now the applicant for this development.
- 2.3 The application has been subject to the statutory notification and consultation process and to date there has been 246 representations, including responses from Howgate and Rosewell Community Councils, together with consultation responses from Transport Scotland, Historic Scotland, Scottish Natural Heritage, Scottish Wildlife Trust, The Forestry Commission for Scotland, East Lothian Archaeological Service, the RSPB, Scottish Water, Scottish Environment Protection Agency (SEPA) and Scottish Borders Council.
- 2.4 The planning application is currently scheduled to be reported to the meeting of the Committee on 19 November 2013 for determination.

3 PRE-DETERMINATION HEARING

- 3.1 Section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) sets out the relevant provisions under which a planning authority is required, or may choose, to hold a pre-determination hearing.
- 3.2 In deciding to hold a pre-determination hearing the planning authority is to give the applicant and any person so prescribed an opportunity of appearing before and being heard by the Planning Committee.
- 3.3 Subject to the agreement of the Committee, the pre-determination hearing is scheduled for Thursday 07 November 2013 and is to be held at the Penicuik Town Hall. The hearing will constitute a meeting of the Planning Committee and will commence at 10.00am.
- 3.4 The procedure at the hearing will be as follows:
 - i) Applicant to make a statement in support of the application;
 - ii) Supporter(s) to make a statement;
 - iii) Objector(s) to make statement;
 - iv) Consultees to make statement
 - v) Applicants to sum up their case; and
 - vi) Committee Members to ask questions of the parties who have made oral representations.
- 3.5 The applicants are invited to be heard, and will be required to limit their presentation, including any summing up, to no more than 20 minutes. All other parties will be required to limit their presentation to no more than 5 minutes. These limits will be strictly enforced, although the Chair can exercise discretion to ensure fairness to all parties.
- 3.6 Following the completion of these presentations, Committee Members will have the opportunity to ask questions of those who have made representations. That will conclude the pre-determination hearing.
- 3.7 Representors and consultees will be notified and given until 25 October 2013 to advise the Council of their intention to attend the pre-determination hearing and their desire to address the Committee.
- 3.8 A running order of speakers will be agreed with the Chair and published prior to the meeting.
- 3.9 The regulations stated in paragraph 3.1 of this report do not prohibit any elected member who does not attend the pre-determination hearing and/or site visit from participating in the determination of the application; however it is considered best practice to do so.

3 SITE VISIT

- 4.1 A Committee site visit has been scheduled for Monday 11 November 2013. Transport will be arranged and will depart from Midlothian House at 10.00am.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee:
- i) agrees to hold a pre-determination hearing and to undertake a site visit in respect of this application; and
 - ii) agrees the dates and related arrangements set out in this report.

Ian Johnson
Head of Planning and Development

Date: **1 October 2013**

Application No: 13/00105/DPP (Available online)
Applicant: Hargreaves Surface Mining Limited
Agent: Hargreaves Surface Mining Limited
Validation Date: 07 February 2013
Contact Person: Peter Arnsdorf
Tel No: 0131 271 3310
Background Papers: 12/00367/PREAPP, 12/00591/PAC,
12/00633/SCO